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ABSTRACT

The Swedish government appointed a parliamentary committee on mass media in 1982 to investigate the mass media structure of the country. The committee was charged with the drafting of workable principles for the further development and utilization of new techniques, e.g., satellites and cable services. This report outlines the main tasks involved in the charge, and presents a summary of the committee's findings. The committee's charge was to: (1) consider how the new communications technologies might be ranged into a media structure conducive to variety and diversity; (2) recommend stipulations of cultural and mass media policy to be made concerning the expansion of cable systems; (3) put forward recommendations concerning the way new technologies were to be used for mass media purposes; (4) investigate problems arising from media distribution to foreign countries; and (5) recommend cost apportionments between subscribers and levy of payment for network use. This summary report addresses these issues, as well as questions of content liability of cable programs, syndication of cable networks, support for freedom of enterprise in establishing cable networks, and conceivable effects of new media on the population. (JB)

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SOU 1984:65

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ENGLISH SUMMARY

OF

THE REPORT "VIA SATELLITE AND CABLE" OF THE SWEDISH PARLIAMENTRY COMMITTE ON MASSMEDIA, AN INQUIRY INTO CABLE EXPANSION AND BROADCASTING POLICY

IR011718

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1 Background

The Swedish Parliamentary Committee on Mass Media (The Mass Media Committee) was appointed by the Government on 22nd July 1982. Below follows first a summary of the new terms of reference issued to the Committee (Dir 1983:19) in February 1983, following the change of government in October 1982. Then follows a summary of the main proposals from the committee.

2 The Committee's Assignment

The Present Media Structure

The daily press in Sweden represents many different opinions and thus promotes a lively public debate and the free flow of information. Extensive government measures have been introduced to secure a varied and vital daily press. Many newspapers, however, are contending with financial difficulties, and in their case even small changes in the form of reduced circulation or diminishing advertising revenues may be serious.

For various reasons, radio and television do not have the same freedom of enterprise as applies to the press. In Sweden as in several other countries, the broadcasting corporations are first and foremost public service enterprises. As such they have to meet certain definite requirements concerning the programme activities.

The companies which have been empowered to transmit radio and television programmes are the four subsidiaries or programme companies of the Swedish Radio Group (SR) viz Sveriges Television AB (Swedish Television Company), Sveriges Riksradio AB (Swedish Radio Company), Sveriges Lokalradio AB (Swedish Local Radio Company) and Sveriges Utbildningsradio AB (Swedish Educational Broadcasting Company).

The programme activities of these companies are governed by the provisions of the 1966 Radio Act and special agreements with the State. The Act lays down that the programme companies are to exercise their broadcasting rights with impartiality and objectivity and with due regard for the extensive freedom of expression and freedom of information which they have to respect according to the Radio Act. The Act also demands observance to the basic principles of democratic government, the principles of equality of man and the liberty and dignity of the individual. Among other things, the agreements concluded between the companies and the government reaffirm the principles of diversity and good quality of broadcasting. Commercial advertising is not permitted.

Public access, "infra-local" transmissions started on an experimental basis in 1979. Access radio provides a broadcasting channel for local associations. Every association has its own transmission right and is solely responsible for the programme activities.

Finance

Newspaper finance is based primarily on advertising revenues and sales of subscriptions and single issues. In addition, the daily press is substantially subsidised by the State. Direct government subsidies, estimated at upwards of SEK 440m. for the 1983/84 fiscal year, are of vital importance to newspapers at a competitive disadvantage. Apart from subsidies to the daily press, the government also supports organisation journals, cultural periodicals and newspapers in foreign languages, as well as talking newspapers.

The activities of the Swedish Radio group are financed mainly through licence fees. Access radio is now being mainly financed by the broadcasting associations themselves and will eventually be wholly financed in this way.

Advertising on radio and television is not allowed in Sweden. Partly because it is believed that advertising might influence broadcasting activities in a manner incompatible with the principles of diversity, quality and independence. It is also believed that this kind of advertising could weaken the financial position of the daily press and have undesirable consequences in terms of consumer policy.

Tasks of the Committee

General

The task of the Committee should be to draw up workable principles for the further development and utilisation of new techniques, e.g. satellites and cable services, for the purposes of mass media. The proposals put forward should be based on considerations relating to current mass media and cultural policies.

In terms of mass media policy, the Committee should consider how the new communications technologies might be ranged into a media structure conducive to variety and diversity. In terms of cultural policy, various uses of new technology should be viewed in relation to the current goals of national cultural policy. In this connection, special attention should be paid to the impact of the new technology on the conditions of children.

Today the diversity of the daily press and the existence of radio and television broadcasting in the service of the general public can be regarded as structural prerequisites for the fulfilment of both mass media policy and cultural policy. The diversity of the press must be upheld. The Committee should also act on the assumption that public service enterprises should retain a leading role in the country's radio and television broadcasting. The rules laid down concerning the use of new techniques should above all be aimed at ensuring that the supplementary amenities to which new techniques can afford access will satisfy reasonable requirements of quality and accessibility.

The Committee should study the potential effect on the daily press of the development of radio and television broadcasting techniques. In this respect the Committee should confine itself to main outlines while at the same time indicating any aspect which may require further investigation. Similarly, the Committee should show how the use of new techniques might affect the conditions governing radio and television broadcasting activities in their present form.

Cable techniques can be used for a wide variety of purposes, not all of which can be classed within the mass media sector. The Committee should draft rules concerning the uses which should be classified in this sector. Although cable techniques can be applied to other purposes, it is their use for mass media purposes which will predominate throughout the foreseeable future. This makes it natural for the Committee, with reference to the special demands entailed by use for mass media purposes, also to consider questions relating to the expansion of cable networks, technical requirements, etc.
The new communications technology is of great interest from the viewpoint of both users of the same and producers. The advanced communications systems which are now being developed may in future provide a broader base for the important branches of industry which already mean a great deal for employment and international trade. It is therefore essential for the Swedish information technology and electronics industry to be able to continue actively participating in development work in this field.

Technological Development

The Committee should recommend stipulations of cultural policy and mass media policy to be made concerning the expansion of cable systems. In doing so it should pay special attention to the following questions.

The expansion of cable networks will in all probability take a long time. Radio expansion will depend on many factors such as cost, potential uses, geographical conditions and considerations of planning and ownership. It is essential, however, that expansion take place on a planned basis from the very outset, so that local and regional networks can gradually be co-ordinated.

The Committee should propose stipulations to be made concerning plans for the expansion of cable network. The assignment includes recommendations concerning the procedure and agencies for the approval of plans, the way in which plans are to be made binding on those wishing to develop cable systems, and the points which plans are to include.

Other questions of this kind naturally include the geographical location of networks, the positioning of main networks etc., and technical standard requirements such as the minimum number of channels for various purposes, two-way communication requirements and the facilities needed for linking cable systems to wider systems.

The subject of planning for the expansion of cable networks also raises the question of responsibility for this expansion. In a memorandum prepared in February 1982, the Swedish Telecommunications Administration states that it will be primarily responsible for the construction of cable networks to the individual property. As regards the constructional improvement of subscriber networks within private properties or connection to the Administration's network, it is proposed that the Administration be accorded the same status as other contractors. The Committee should consider the advantages and disadvantages of various alternative apportionments of responsibilities. In doing so the Committee should particularly investigate ways in which planning and technical standardisation can be catered for in an alternative providing scope for competition between different suppliers and systems.

Certain technical requirements have to be made in order for a subscriber network within individual properties to be connectable to cable networks. The Committee should consider what stipulations are to be made in this respect concerning new subscriber networks. The Committee should also consider question which may arise in connection with the modification of pre-existing master antenna facilities for connection to cable networks.

One problem which has been observed in other countries is that cable systems for mass media purposes are only developed in areas where the installation of systems is economically viable, i.e. mostly in densely populated localities, whereas more sparsely populated areas are left unprovided for. The Committee should propose measures to ensure that cable systems can be expanded with a reasonable measure of geographical fairness. The Committee should also consider ways in which areas where cable systems are not economically viable can avail themselves of the amenities presented by cable rediffusion. Wireless rediffusion is one conceivable possibility in cases of this kind.

Using the Technology

The Committee's second main task is to put forward recommendations concerning the way in which the new techniques are to be used for mass media purposes. These recommendations should above all comprise rules for the utilisation of cable distribution, but the Committee may also need to consider questions relating to wireless rediffusion. The Committee should make a special study of the following fields.

Access to Cable Networks

It is to be expected that future cable networks will have great capacity for the simultaneous translation of programmes on different channels. An expansion of cable networks will therefore augment opportunities for persons wishing to transmit programmes to come into contact with the general public and opportunities for the general public to receive a wider selection of programmes.

It is still realistic, however, to assume that capacity will not be immediately sufficient for all mass media programmes and other services which somebody may be willing to offer or which households may wish to receive. The way in which transmission content is to be put together and by whom, are therefore vital questions.

The Committee should suggest ways of solving these questions. The assignment includes the adoption of standpoints concerning the stipulations to be met by persons wishing to engage in cable broadcasting activities, e.g. whether such activities are to be undertaken by public bodies or the owners of cable networks.

Programmes from Swedish Radio etc.

The development of cable systems must not result in anybody being excluded from taking in the radio and television transmissions from companies belonging to the Swedish Radio Group which can normally be received in the area by means of conventional aerials. The rediffusion of such broadcasts in cable systems used for the distribution of television programmes to the general public in their homes should therefore be made compulsory. It may also be appropriate for similar conditions to be applied to any future Swedish or Nordic satellite programmes and other public service transmissions which may eventually come into question.

Foreign Programmes

At present the law allows people in Sweden to receive both Swedish and foreign radio broadcasts and redistribute them by means of a master antenna system if they have been received off-air. Opinions differ, however, as to whether the concept of a master antenna system in this connection should also include very large cable systems. The Committee should assume that foreign radio broadcasts ought to be received and redistributed over the cable system, regardless of whether they are distributed by satellite or ground network, provided a solution is found to questions of copyright.

A special problem arises when low-powered telecommunications satellites operating in frequency bands not allocated for broadcasting are used for transmissions intended for distribution to the general public by cable system. As the law now stands, transmissions of this kind are unlikely to qualify as broadcasting. Consequently rediffusion via master antenna systems requires Government permission.

The Committee should investigate the problems arising, above all in terms of broadcasting rights, copyright and international conventions, in connection with various procedures for the distribution of foreign programmes. The Committee should also investigate who is to be deemed liable under penal law for offences against the freedom of expression when foreign radio or television broadcasts are distributed via master antenna systems or cable networks in Sweden.

Programmes Produced for Cable Distribution

Cable systems will provide opportunities for transmitting programmes on a larger number of channels than can be relayed off-air.

Under the Radio Act, Government permission is normally required for the transmission of programmes specifically intended for cable distribution. The activities must comply with the requirements of the Radio Act and the provisions which may be included in a special agreement between the government and the transmitting enterprise. So far no such permits have been issued.

The Committee should consider on what conditions cable systems are to be made available for rediffusion which does not solely imply the immediate relaying of broadcast programmes. The Committee should give special consideration to the possibilities of local interest, e.g. voluntary associations, utilising cable transmissions.

The character of programmes, however, does not depend on whether they are transmitted locally but on the type of material which they include. Where local transmissions are concerned, the Committee should make recommendations concerning the proportion of non-locally produced material which should be included. In this connection the Committee should consider the potential effects of the use of such material in local transmissions on enterprises charged with a public service function.

Cable access television systems have been experimentally used in two places. The Committee should keep a close watch on the Access Radio Committee's evaluation of this experiment.

The question of a possible continuation of access television by cable or off-air is closely connected with the Committee's assignment with regard to cable television. These questions ought therefore to be jointly considered by the Committee.

The Advertising Question

The reasons why commercial advertising in return for payment is not allowed on Swedish radio and television have already been stated. These reasons are also applicable to the distribution of similar programmes by new methods, and the Committee should therefore assume that commercial advertising addressed to the general public is not to occur in these connections.

A special problem is posed by advertisements in foreign programmes received from satellites or by other means and relayed by cable. The Committee should elucidate the consequences of such advertising being receivable in Sweden, both individually and through master antenna systems and cable networks. On the strength of this analysis, and with the aims previously stated concerning freedom from advertising, the Committee should propose rules to apply to the reception of such transmissions.

Costs

The development and use of cable systems would of course have to be financed. Costs will be entailed by the construction and operation of the actual cable network, as well as royalties and other items of expenditure connected with programmes and other services which may be needed.

The Committee should present draft proposals concerning the principles governing the apportionment of costs between various subscribers and the way in which payment should be levied for use of the networks. Construction costs will of course vary depending upon among other things on density of settlement in the locality concerned.

Where programme costs are concerned, one natural point of departure is that a certain basic programme repertoire should be accessible to all homes connected to the system. There are, however, strong arguments against forcing subscribers to pay for all services which the system affords even if they do not make use of them.

If certain services are only to be available to subscribers specially paying for them, this opens up the possibility of using cable networks for the distribution of pay television. Pay television is therefore a natural field for cable systems, and, accordingly, a natural part of the field to be investigated by the Committee.

Review of Radio Legislation

Several of the questions which have now been considered will necessitate amendments to current broadcasting legislation. This applies above all to the wider use of cable networks for the distribution of satellite programmes and cable transmissions generally. The Committee should investigate the purview of broadcasting legislation in relation to new electronic communication systems which can also be used for other purposes than those of mass media. In this connection, the question of the borderline between master antenna systems and other cable networks should also be considered. In other respects too, the Committee should propose such amendments to broadcasting legislation as are prompted by technical progress.

Swedish Radio

The current agreements between the government and the Swedish Radio Group expire on 30th June 1986. The Committee's proposals may influence the frames governing future radio and television broadcasting and can therefore be viewed as a preparation for the period following the expiry of the agreements. For the time being, however, the Committee should not consider the organisation of radio and television broadcasting, except in-so-far as it may need to make recommendations concerning the organisation of teletext following the expiry of the current agreement. After the Committee has put forward its proposals, the Government may issue such further terms of reference as are needed. The parent company, Sveriges Radio AB should be at liberty to discuss and introduce organisational changes within the Group.

The Riksdag has requested that the Committee be instructed to consider various alternative financial arrangements so as to compile documentation on which to base consideration of appropriate long-term financial arrangements for Swedish Radio. As has already been made clear, advertising should not be considered as a source of finance. Questions of finance are closely interlinked with the future aspirations of Swedish Radio's activities. It may therefore be appropriate to discuss financial alternatives together with the question of Swedish Radio's duties for the term of the new agreement. The Committee should be able to make allowance for this when planning its work.

Right of Subsequent Access to Programmes

The Riksdag has conveyed to the Government the observations made by the Standing Committee on the constitution concerning rights of subsequent access to programmes broadcast on radio and television. The standing committee states that public rights of subsequent access to various programmes are of great value to public debate. Programmes concerning social affairs, e.g. political debates and interviews, are of particular interest in this respect.

The Standing Committee takes the view that the entire question of entitlement to obtain transcripts of radio and television programmes should be looked into without delay, the aim being to give the general public better access to programme transcriptions, especially as regards programmes dealing with social affairs. The review should among other things take into consideration the problems of principle pleaded by the Swedish Radio companies as an impediment to the release of programmes, but other impediments, e.g. those connected with copyright should also be taken into consideration. The review should also includ an examination of solutions to the practical problems which the expansion of this right would entail for the Swedish Radio companies.

The review thus requested should be conducted by the Committee. In its deliberations concerning this question, the Committee should collaborate with the member companies of the Swedish Radio Group.

The Entitlement of Mass Media to News Coverage

The Riksdag has also conveyed to the Government the observations made by the Standing Committee on the constitution concerning the entitlement of mass media to news coverage. The Standing Committee takes the view that the transmission of news from public meetings and occasions should be as free as possible. This principle, however, is contradicted by the right of an arranger to conclude agreements restricting or regulating access by mass media. For example, there is nothing in the law at present to prevent a person from purchasing exclusive sound or picture transmission rights for a sporting event. A delicate balance has to be struck there between the rules of civil law and entitlement to the free transmission of news. The media developments which can be predicted for the next few decades make it likely that this problem will become increasingly relevant. The Standing Committee therefore considers it appropriate for the question of the entitlement of mass media to news coverage in connection with public meetings and events to be investigated.

The inquiry thus requested should be conducted by the Mass Media Committee.

3 Summary of the Committee's Proposals

The report of the Mass Media Committee, entitled "Via Satellite and Cable"(SOU 1984:65), was presented to the Minister of Cultural Affairs in August 1984. The major principle underlying the Committee's recommendations is that any use of the new media must allow for extensive freedom of expression and information. Today everyone is free to pick up radio and television programmes from other countries, even if they are transmitted by satellite. No change is proposed on this point. Current broadcasting legislation sanctions the relaying of DBS programmes over cable networks, e.g. master antenna systems. No change is proposed on this point either. The Committee recommends that it should also be permissible in future for programme channels from communications satellites to be relayed simultaneously and unchanged over cable networks, provided that a special licence has been issued. Relaying activities of this kind are not allowed today, although licences may be issued by the Government under special, temporary legislation concerning experimental activities. The Committee also recommends that cable networks be opened to local programme activities of various kinds.

The Committee does not recommend any extensive rules concerning the content of programmes. Certain restrictions are needed, however, as to what may be included both in local cable television transmissions and the redistribution of programme channels from communication satellites. These restrictions concern programmes containing scenes of gross violence, pornography and racial agitation.They also refer to commercial advertising.

Construction of Cable Networks

The Committee's proposals on the subject of cable networks are solely concerned with use for mass media purposes. The Committee suggests that any development of cable networks for these purposes be financed by fees paid by the users, i.e. subscribers whose homes are connected to the networks.

The Committee has therefore refrained proposing any national plans for the development of cable networks for mass media purposes. A different assessment can be made if cable networks are to be developed as part of the general development of national telecommunications or for reasons of industrial or employment policy. This, however, has not been made a task of the Mass Media Committee. Viewed in a wider perspective, the construction of cable networks primarily for television transmission is in itself an important step towards the establishment of a public wide band network in Sweden.

The Committee advocates continuing freedom of enterprise with regard to the establishment of cable networks with no specially favoured status for the National Telecommunications administration. In certain respects, however, the Administration is the best qualified cable constructing agent in view of its overall responsibility for underground culverts, etc.

The prerequisites for a fair geographical distribution of cable networks require special attention. This question is closely related to the possibilities of equal pricing in different localities. The Committee, however, does not discuss any details of pricing concerning the charges to be made for connection to cable networks and for access to different programme channels, and accordingly it has also refrained from making any recommendations on the subject of equalising charges. The National Telecommunications Administration has expressed its willingness in the long term to conduct its activities in such a way as to achieve maximum geographical fairness.

How and where cable networks are to be constructed will depend on the economic assessments made by the cable provider. The Committee has not found any cause to stipulate that cable providers are to construct networks in areas judged to be unprofitable.

Cable Network Activities

Various services

The mass media services which a cable network may conceivably provide are the relaying of programmes from programme companies within the Swedish Radio Group, together with radio and television broadcasts from ground transmitters in neighbouring countries and from direct broadcasting satellites, programmes from communication satellites and local transmissions of cable-originated programmes. Cable networks can also be used for two-way communication of various kinds in the mass media sector and, moreover, for other types of two-way communication, e.g. television conferencing and alarm systems. These latter uses, however, fall outside the range of the Committee's assignment and are therefore excluded from its proposals.

Actors in the Cable Network

In a cable network it is possible to distinguish between various roles and actors. The cable provider/owner builds and manages the network, the cable operator provides services over the network and is responsible for compliance with existing rules, and the programme provider supplies programmes or services which the operator in turn distributes to subscribers on the network.

Free Transmission or a Franchise System

The Committee has closely considered the question as to whether public broadcasting by cable networks is to be free from restriction or subject to a franchise system. It is found that a franchise system is the most practical arrangement on which to base cable broadcasting activities. Anybody who has been awarded a transmission licence can obtain permission to make space on the cable network available to a third party for transmission purposes. The franchise stipulation is only to apply to cable transmissions to the general public in their homes and then only to transmissions which can be received by more than 50 homes. No regulations at all are proposed for cable networks, e.g. a master antenna system, serving a smaller number of homes.

One reason in favour of a licensing procedure is that if public transmission rights are left unrestricted, it is the cable proprietor who will decide who may transmit and what may be transmitted over the network. With a licensing procedure, guarantees can be established for extensive liberty of expression and information in local transmissions.

The Cable Authority

The Committee recommends that the award of licences be entrusted to a central franchising and supervisory body, the Cable Authority.

It is proposed that the Cable Authority should be a non-politically appointed body comprising persons with legal qualifications and persons with special experience of the field concerned. The activities of the Authority should in the long term be financed out of the charges paid by applicants for and holders of licences.

Eligibility for the Licences

Cable transmission licences should be available to cable providers/owners and specially constituted local cable operators. A cable owner must be a Swedish legal person or a natural person who is a Swedish Citizen or domiciled in Sweden. The special local cable operating organisation must be locally based and widely recruited. Part-owners may include associations, institutions, local enterprise, municipal authorities etc. The Committee has not found it possible to give a detailed description of the way in which such an organisation should be constructed in every locality. It must be left to the Cable Authority to decide whether the requirements of local connection and broad-based ownership are satisfied.

)es of Licences

ittee recommends three types of licence for cable network sions:

:es for the simultaneous and unchanged distribution by cable)grammes from communications satellites.

:es for local transmissions on a special local channel.

:es to make cable network space available to a third party, a newspaper company, for transmission activities.

mers may be licensed both to distribute communications broadcasts and to make cable network space available to parties for transmission purposes. Local operating tions will be eligible for all three types of licence.

ns for the award of licenses to distribute programmes from ations satellites and to make channels available to third for transmission purposes.

tion with Residents

licant for a licence must consult representatives of residents the programmes to be transmitted in the area. The C considers it important that those immediately affected, opportunity of expressing their opinions about the contents missions. The ultimate decision, however, must be made by licant requesting a licence, though the Committee assumes at importance will be attached to the viewpoints stated in ltation process.

Consultation with Municipal Authorities

The Municipalities have an important part to play in the construction of cable networks, partly as landowners and planning authorities. The Committee recommends that municipalities are given an opportunity of stating its views concerning applications for cable transmission licences.

Appraisal of the Operator's Economic Resources

The Committee stresses that the agent in charge of transmissions over a cable network takes upon himself a great responsibility towards individual households and also towards property owners, co-operative housing organisations etc. subscribing to the network. The operator has to enter into agreements with programme providers, copyright holders etc. Accordingly, the Cable Authority must be entitled to properly assess the financial capacity of the applicants.

Programmes from Swedish Radio

The holder of a licence will have to make the off-air radio and television transmissions of the Swedish Radio Group available to all cable networks subscribers. People who do not subscribe to the services offered but who live in buildings equipped with or connected to such a network must also be assured of this right.

Free Local Channel

A cable operator who has a licence to distribute programmes from communications satellites or to make channel space available to a third party must make a channel available for local transmissions of cable-originated programmes. This channel should be kept available to the special local cable operator free of charge. If the local operator would require access to additional channels for this purpose, the matter should be settled by special agreements with the cable owner.

Programme Rules

As regards the distribution of programmes from communications satellites, the Committee recommends certain basic regulations Licences must only be given with respect to programmes which are intended by the original transmitter to reach the general public by cable simultaneously and unchanged. The operator will be expected to conclude agreements with copyright holders and holders of so-called neighbouring rights. In addition, it must be permitted to distribute the transmitted programmes in the the country from which they are beamed to the satellite, this should provide a certain guarantee against undesirable programmes.

No distribution of satellite programmes specialising in violence and pornography should be allowed. The Committee elaborates on the detailed criteria to be applied in this respect. They concern channels dealing exclusively in fictionalised violence or pornography or channels on which very gross scenes of this kind occur. The Committee also takes the view that a transmission right might be revoked in the event of a channel frequently carrying programmes involving racial agitation. Prohibitions against the continuing transmission of programmes are to be issued by the Cable Authority. A majority of the Committee's members recommend that channels which for a considerable period of time and to a considerable extent have included such commercial advertising as must be judged addressed specifically to Swedish consumers must not be allowed to be distributed over cable networks. Occasional advertising features addressed to Swedish consumers in transmissions from communication satellites should not occasion any withdrawal of the right of transmission.

The representatives of the non-socialist parties have spoken against any restrictions of this kind.

Conditions Governing Local Transmissions

It is proposed that local transmissions of cable-originated programme be made possible on the special channel which will be available to the local operator and also on channels made available by the cable owner and/or the operator.

The special local cable operator's transmission rights on the special local channel are to be used primarily to enable local institutions, associations, companies, individuals etc. to transmit programmes. It must be the operator's duty to make sure that extensive freedom of expression and information is observed, by making transmission space available to interested programme providers. The task of the operator will largely be that of allocating transmission time and composing the programme mix of the channel.

Transmission activities on channels made available to third parties need not satisfy these conditions.

Programme Rules

The Committee does not recommend that the make-up of the local programme repertoire be made subject to statutory provisions, for example to the effect that a certain proportion of programmes must deal with local topics. The Committee is, however, convinced that priority should be given to programmes reflecting local conditions. One of the aims of the special local channel should be to establish as broad and comprehensive a selection of programmes as possible.

The Local Operator and the cable owner are responsible for ensuring that the programmes transmitted comply with existing programme rules. To exercise this responsibility, the operator and owner will need to pre-vet programmes in order to prevent anything being transmitted which is at variance with the rules.

The following programme rules are to apply both to the special local channel and to channels made available to third parties. Racial agitation may not occur, nor may any other serious abuse of the freedom of expression. Any transmission of programmes including gross fictionalised violence or pornographic scenes must not be allowed. Inquiries into any such occurrences have occurred in programmes must, in the Committee's opinion, be conducted with reference to the Penal Code, the Cinemas Ordinance and the Video Violence Act.

in the view of the majority, advertising or sponsoring should not occur in any form of local transmission, above all for the sake of the daily press. Representatives of the Moderate Party and the Liberal Party recommend that advertising be allowed.

No Syndicating of Cable Networks

As regards both the special local channel and channels made available to third parties, the Committee is against any transmission of programmes by radio link to several different cable networks in the country by way of direct and unchanged distribution to subscribers.

No Mixed Channels

The Committee is also against any transmission of local cable-originated programmes on channels normally used for the transmission of programmes from satellites or, for example, from Swedish Radio companies.

Cable Transmissions Act

In the Committee's opinion, the rules proposed concerning the use of cable networks should be incorporated in a special Cable Transmissions Act. The cable Authority should be a ble to revoke a licence for cable network broadcasting if the licensee transmits programmes contrary to the rules governing these activities or any other relevant regulation.

Several of the decisions to be made by the Cable Authority should be contestable in administrative courts of appeal.

It is proposed that the Cable Transmissions Act come into force on 1st January 1986.

Videotext

The Committee recommends freedom of enterprise in the videotext sector. It is proposed that the Radio Act be amended so as to make it clear that no licence is required for videotext activities.

The Committee is of the opinion that videotext should not be treated differently from other forms of data communication and processing available to the general public. In principle, therefore, this sector as a whole should be subject to similar rules. This is one reason why the Committee feels that videotext advertising cannot be prohibited. However, only called-up advertising should be allowed. Advertising should not exist on pages where other kinds of information are expected.

The Committee does not propose any legislation on the subject of videotext. It is assumed that the trade organisation, the Swedish Videotext Association, will frame rules of conduct stipulating among other things that only called-up advertising is to be allowed.

Teletext

The Committee distinguishes between off-air and wire-bound teletext. It is also possible to distinguish between programme subtitling and separate text pages. Off-air subtitling is an integral part of the programme activities of the Swedish Television and Swedish Educational Broadcasting companies. Therefore the same rules will have to apply to this type of teletext as to broadcasting activities generally.

As regards separate teletext pages transmitted nationwide, the Committee recommends that these activities remain the responsibility of the Swedish Radio unless, prior to the next term of agreement, the status of the programme companies is altered in such as way as to justify a different approach. The Committee also recommends that municipalities and county councils be given opportunities for local and regional teletext transmissions as part of the transmission rights of the Swedish Radio companies. Authorities wishing to avail themselves of this opportunity should be prepared to assume both the technical and the financial responsibility.

Wire bound teletext closely resembles other forms of public data transmissions. Separate teletext pages transmitted over a cable network should be subject to the same rules as videotext and other public data transmissions. Teletext intended for reception simultaneously with ordinary television programmes transmitted by cable, e.g. subtitle translations, should be subject to the same rules as local cable television transmissions.

Questions of Liability

The Committee presents a draft Cable Liability Act, containing provisions on the subject of liability for the content of cable transmissions. This Act is essentially modelled on the Broadcasting Liability Act. It is proposed that the new Act should apply only to local cable-originated transmissions. The draft legislation stipulates that for every programme transmitted locally there must be a programme supervisor with the duty to ensure that intractions of the statutes concerning freedom of the press and freedom of expression be appointed by the licensee, but there is nothing to prevent the person thus appointed being a representative of the programme provider

This latter possibility seems a natural arrangement in the case of programme providers with regular and frequent transmissions, e.g. those utilising the possibility of transmitting on rented channels.

As regards liability for programmes transmitted from satellites, the Committee notes that the operator has no practical possibility of vetting programme content. Accordingly, no special rules concerning liability and damages should be introduced for transmissions of this kind.

As regards liability for certain text media, e.g. videotext, the Committee recommends the introduction of voluntary sole liability for database information to the general public. The Committee does not put forward any statutary proposals. Instead it should be possible for legislation to be based on the recommendations presented in 1981 by the Information Technology Commission.

Storage Questions

The Committee recommends that all recordings of local programmes be stored for six months from the transmission date for use in deciding whether an offence has been committed against the law concerning freedom of expression or whether programme rules have been violated. Recordings of this kind must on request be made available to the Cable Authority. As regards programmes transmitted from satellites and for which the Cable Authority has awarded licences for distribution, the duty of documentation should devolve on the Authority.

Finally, compulsory storage is recommended for database information for which there is a responsible publisher. In this case, however, one month should be sufficient storage time.

As regards storage for research purposes, the Committee assumes that the Sound and Picture Archives will be proposing principles of storage

Effects of New Media

One of the Committee's tasks has been to study conceivable effects of the increase of media output via satellite and cable networks.

The Committee's assessment is based on the assumption that households in Sweden will gain access to a wider radio and television output, primarily by subscribing to the emergent cable systems. At present it is not possible to predict the extent of this expansion. The Committee does not believe that the growth of television output will in any significant measure affect viewing during Swedish Television transmission hours. There is reason to expect increased viewing at other times, i.e. during daytime and in the late evenings. One factor limiting the viewing potential of foreign programmes, however, is the fact of their being transmitted in foreign languages.

The Committee also believes that, even in the new media situation, Swedish viewers will in all essential respects prefer Swedish Television programmes to foreign ones. As regards the viewers' choice of programme, it is realistic to assume that some of the viewing time devoted by Swedish Television audiences to satellite transmissions - which will probably be dominated by sport, entertainment and films - will be at the expense of informative programmes on Swedish Television.

As regards the impact on books, newspapers and periodicals, the Committee does not believe that the increasing amount of radio and television programmes transmitted by satellite or cable will cause any great problems to the daily press. Nor is there any reason to expect any significant decline in book reading.

The Committee supplies a detailed account of developments in a number of cultural spheres, viz. the theatre, voluntary associations, study circles, museums, concerts and films. With the exception of cinemas, which have had decreasing audiences since the introduction of television in Sweden during the mid-1950s, one can observe a fair stability and in some cases a growing interest. The new situation will probably have a negative impact on cinemas, since a great deal of the satellite output will be made up of films. No major changes may be anticipated in the other sectors mentioned above.

Research has shown that the effects of television viewing on children and young persons are not entirely negative, since they also learn a great deal from their viewing. Research findings, however, are not unanimous in this respect. It is, however, generally agreed that fictionalised violence, and especially the grossly sadistic violence associated with some video productions, has promoted of aggressibe tendences among certain children and young people and has led to desensitisation concerning real violence.

Other Questions

The Committee has been instructed to consider a number of questions relating to the Swedish Radio. These comprise the entitlement of mass media to news coverage and entitlement to obtain programme transcripts and copies of programmes from the member companies of the Swedish Radio. As regards the first question, the Committee is not prepared to recommend any legislation guaranteeing the SR companies entitlement to news coverage. Legislation of this kind would be excessively far-reaching and would restrict the proprietary rights of arrangers. The Committee does take the view, however, that a local operator must not be entitled to conclude agreements excluding other mass media from opportunities of normal news coverage. Nor must other operators transmitting programmes be entitled to conclude such agreements.

In the Committee's opinion, the question of programme transcripts from the Swedish Radio Companies ought primarily to be solved internally. In view of the discussions which have already taken place, there is reason to suppose that the SR companies will already adopt a more generous policy from the autumn of 1984 onwards concerning requests for transcripts and copies of programmes. This question ought subsequently to be settled in the the agreements between the State and the SR companies. If a change proves unattainable, statutory rules should be laid down.

4 Subsequent Deliberations

The Committee's recommendations have been circulated to about 140 addressees comprising a number of national authorities, interest organisations, companies in the communications technology sector, film and video producers, municipalities, newspapers etc. The consultation period expires on 1st November 1984.

The Government has not yet decided how the Committee's proposals should be handled in the near future, but a Government Bill may possibly be laid before the Riksdag in the spring of 1985.

The Committee's proposals reflect a political compromise on essential aspects of the questions at issue. The representatives of the political parties on the Committee and the Minister of Education and Cultural Affairs have stressed the value of this achievement and strong desirability of making it a foundation for further deliberations in the matter.